



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,952	02/22/2002	David U. Shorter	BOC9-2001-0005 (240)	4489

40987 7590 06/14/2006

AKERMAN SENTERFITT

P. O. BOX 3188

WEST PALM BEACH, FL 33402-3188

EXAMINER

SHINGLES, KRISTIE D

ART UNIT

PAPER NUMBER

2141

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/081,952

Applicant(s)

SHORTER ET AL.

Examiner

Kristie Shingles

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment *Applicant has amended claims 1-7.*

Claims 1-19 are pending.

Response to Arguments

1. Applicant's arguments filed 7/21/2005 have been fully considered but they are not persuasive.

A. Regarding claims 1, 8, 11, 14 and 17: Applicant argues, in substance that the cited prior art of record *Jarvis et al* (USPN 6,424,976) fails to teach that data repository messages go out from the originating computer system in one syntax and are received at the receiving computer system in a different syntax.

A.1. The Examiner respectfully disagrees. *Jarvis et al* teach and illustrate an “old server” outputting messages in FC syntax while the conversion routine receives the messages in this syntax and converts the FC syntax into the new syntax for receipt at the “new server” (Figure 1, col.3 lines 45-59). The conversion routine functions as the message router that is in communication with the two computer systems, while the conversion routine version of the conversion routine acts as the conversion engine that either converts FC syntax-to-new syntax or new syntax-to-FC syntax (col.3 line 61-col.4 line 6, c ol.4 line 48-col.5 line 23). Although *Jarvis et al*'s conversion routine is a unit included on the new server, the claim language does not preclude *Jarvis et al*'s server-attached conversion routine since it achieves the functionality of the message router and the conversion engine and is in communication with both the sending and

Art Unit: 2141

the receiving computer systems. Applicant's arguments are therefore unpersuasive and the rejections under *Jarvis et al* are maintained.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1, 8, 11, 14 and 17** are rejected under 35 U.S.C. 102(e) as being anticipated by *Jarvis et al* (USPN 6,424,976).

a. **Per claims 11 and 17** (differs only by statutory subject matter), *Jarvis et al* teach in a message router, a method of routing data repository messages, said method comprising:

- receiving a data repository message from an originating computer system, said data repository message conforming to a first syntax (Abstract, Figure 1 and col.2 lines 40-66; receiving messages conforming to a first—old or new—syntax);
- determining a plurality of target computer systems to which said received data repository message is directed (col.3 line 41-col.4 line 62; determining the syntax supported by the target devices);
- based on said determined plurality of target computer systems, identifying at least one syntax for particular ones of said plurality of target computer systems, wherein said at least one identified syntax and said first syntax are disparate (col.2 lines 44-66, col.3 lines 3-49 and col.5 lines 44-52; determining the syntax supported by the target devices, wherein the older devices do not support the new syntax);
- converting content in said received data repository message from said first syntax to said at least one syntax of said particular ones of said plurality of target

Art Unit: 2141

computer systems (col.2 line 58-col.3 line 22, col.3 lines 53-60 and col.4 lines 7-29; syntax conversion particular to the syntax supported by the target devices); and

- sending said received and converted data repository message to said particular ones of said plurality of target computer systems (Figure 1, col.3 lines 53-60 and col.4 lines 7-29; converted message is sent to the designated target device which supports the syntax).

b. **Claims 1, 8 and 14** contain limitations that are substantially similar to claims 11 and 17, and are therefore rejected under the same basis.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 2-7, 9, 10, 12, 13, 15, 16, 18 and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Jarvis et al* (USPN 6,424,976) in view of *Symonds et al* (USPN 6,302,326).

a. **Per claim 12**, *Jarvis et al* teach the method of claim 11 as applied above, yet fail to explicitly teach a message router and using a translation library having syntax information corresponding to said first and second syntax. However, *Symonds et al* disclose a message gateway router using information stored in the relational database to convert messages from various external message formats used by remote devices to a common internal message format used within the system (Abstract, col.3 line 35-col.4 line 4, col.7 line 31-col.8 line 13, col.9 lines 45-54 and col.14 line 9-col.15 line 40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Jarvis et al* and *Symonds et al* for the purpose of maintaining a database or library of the translation types particular to the communicating devices; because it would permit a recording means of information relative to the syntax and conversion specific for each communicating device in the system.

b. **Claims 3, 9, 15 and 18** are substantially similar to claim 12 and are therefore rejected under the same basis.

c. **Per claim 2**, *Jarvis et al* and *Symonds et al* teach the message router of claim 1, *Symonds et al* further teach, the message router further comprising: a communications processor configured to format said received data repository message according to a suitable communications protocol (col.6 lines 54-67 and col.7 lines 44-50).

d. **Per claim 4**, *Symonds et al* teach the message router of claim 3, wherein particular ones of said computer systems include distributed database networks (col.4 lines 5-15).

e. **Per claim 13**, *Jarvis et al* and *Symonds et al* teach the method of claim 12 as applied above. *Jarvis et al* teach the method of claim 12, wherein said data repository message includes at least one of a data structure reference, an attribute name reference, an attribute value, and a data repository operation, said converting step further comprising: translating said attribute name references using a reference processor and translating said attribute value using an attribute processor (col.3 line 49-col.4 line 47 and col.5 lines 1-44). Yet, *Jarvis et al* fail to distinctly teach translating said data structure using a reference processor and translating said data repository operation using an operation processor.

However, *Symonds et al* disclose the message gateway router comprising message processing programs for conversion including database structures and an operating system for processing the conversion/translation method (col.3 line 45-col.4 line 15, col.6 line 22-53, col.8 lines 56-65, col.9 line 62-col.10 line 42, col.15 line 60-col.18 line 15 and col.20 lines 38-49). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Jarvis et al* and *Symonds et al* for the purpose of provision processors and/or processing steps for converting data structures, attributes and operations within the messages; because it would distribute the conversion duties among different processes for handling the various types of information in the messages.

f. **Claims 5-7, 10, 16 and 19** are substantially similar to claim 13 and are therefore rejected under the same basis.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: *Marmor* (USPN 6,601,108), *Kutsumi* (USPN 5,826,219), *Horiguchi et al* (USPN 6,243,669), *Martinez-Guerra et al* (USPN 6,523,172), *Jeon* (USPN 5,907,609), *Britton et al* (USPN 6,856,992), *Takeda et al* (USPN 6,542,464), *Obara* (USPN 6,708,232).

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

Art Unit: 2141

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday-Friday 8:30-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristie Shingles
Examiner
Art Unit 2141

kds


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER